

Mr. C. J. Mathew (*Joint Secretary to Government*): Not yet.

Mr. A. V. Moothedan (*Chalakkudi*): When will the consideration be over?

Mr. C. J. Mathew (*Joint Secretary to Government*): I cannot say when it will be over.

Mr. A. V. Moothedan (*Chalakkudi*): In how many months?

Mr. C. J. Mathew (*Joint Secretary to Government*): Cannot say. As early as possible Government will decide it.

GREEN MANURE—AVAILABILITY OF

194. Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): Will Government be pleased to state.—

(a) are Government aware that because of the extensive disafforestation policy followed by them in the last year and this year the quantity and quality of green manure available to the agriculturists has gone down considerably;

(b) are Government aware that because of the above policy grazing grounds for cattle have also been considerably reduced?

Mr. S. Venkiteswaran (*Conservator of Forests*):

(a) Government are not following a disafforestation policy, but have been only making available forest land for temporary food crop cultivation in an attempt to tide over the food crisis. Naturally the same area cannot simultaneously serve the purpose of land for agricultural operations and as source of green manure.

(b) The lands utilised for growing food crops cannot simultaneously be available for grazing purposes.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): May I know, Sir, from the Hon'ble Conservator of Forests, the result of the process mentioned in (a) has not caused difficulties for ryots to get green manure which they were otherwise getting from the same source?

Mr. S. Venkiteswaran (*Conservator of Forests*): They could not get green manure from the same source as before.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): Am I to understand that the source from which they were getting manure previous to the process mentioned in (a) still continues?

Mr. S. Venkiteswaran (*Conservator of Forests*): Those particular areas are naturally not available as such for green manure. There is no much of difficulty with regard to the non-availability of these lands.

Adjournment motions

Mr. President: I have received two notices of motions for the adjournment of the House—one from Mr. Salem and one from Mr. Kumaram Ezhuthassan. I have decided that both these motions are out of order. They seek to raise a discussion on a matter which is a remark made in the course of the debate on Saturday. The proper time to take up anything mentioned in the course of a debate is during that debate itself, and I cannot accept that a motion for the adjournment of the House is a proper method of discussion of a subject which was debated on Saturday.

Short-notice motion

Mr. C. V. Iyyu (*Kunnamkulam*): Sir, I had tabled a short-notice motion to discuss about the policy of the Government so far as our Railways are concerned.

Mr. President: That too I must rule out of order inasmuch as neither the South Indian Railway Company nor the Government of India are amenable to any decisions which we may reach in this House.

Mr. C. V. Iyyu (*Kunnamkulam*): But we can question about the policy of appointments in the South Indian Railway under the present constitution.

Mr. President: I do not think we can profitably discuss it.

Motion expressing Confidence in the Minister

Mr. T. K. Nayar (*Minister for Rural Development*): Mr. President, Before I proceed to the business of the day which has prolonged the life of this meeting beyond its usual span, allow me to offer you, Mr. President and the Hon'ble Member of this House my sincere apologies for having put you to all this inconvenience and upsetting your normal programme. I am deeply thankful to you, Sir, for the great consideration you have shown me in consenting to stay for to-day, cancelling your other engagements, to transact a piece of business for which in the eyes of some of my friends both inside and outside the House, there is no imperative need. That may be so; but, I have got to be honest with myself, and considerations of personal and political morality prompt me to make this motion.

Mr. A. V. Moothedan (*Chalakkudi*): I rise to a point of order. I submit this motion is out of order.

Mr. President : Order, order. The Hon'ble Member will resume his seat. I have admitted the motion and therefore this is in order.

Mr. T. K. Nayar (Minister for Rural Development) : I came to occupy the present position which I hold, backed by a strong party in this Council, which later on assumed a distinct majority of 31 members of this House. Although the constitutional sanction for any popular Minister to remain in office is the continuance of the backing of the "Single majority party", no Minister can peacefully or successfully carry on his work unless he has the support of the House in general. Due to a series of unforeseen political accidents, several members of my party resigned their membership with the result that the Party's present strength has come down to 17, in a House of 46 non-official members. Though I feel that I can count upon every Hon'ble Member of this House as a personal friend of mine, I am compelled by my conscience to assure myself that by remaining in office, backed by a party of the present strength, I am not breaking any tacit conventions of popular Government. It is not my intention to create a new convention, but I am anxious not to violate any of the unwritten but accepted political implication of democratic Government. If the House thinks that in spite of the reduced strength of my party, I deserve and continue to enjoy your general confidence, I am willing to continue to discharge my duties to the best of my power. If, on the other hand, the House thinks otherwise, I have no intention of clinging to office. In a spirit, therefore, not of challenge or of despair, but of humility and good faith, I request my Hon'ble friends, the Members of this House, for a vote of their confidence in me.

Before I conclude, I would like to mention one point more. It has been the established convention here that the Government Members do not vote for or against censure motions against the Minister. This is the first time that a confidence motion in favour of the Minister is brought in. I want to make it clear that I do not expect the Government Members to take part in the voting in this motion.

With these words I commend the following motion for the kind acceptance of this House.—
"This House hereby records that it has confidence in the Hon'ble Minister, my humble self, Mr. T. K. Nayar".

Mr. K. R. Ramarkishnan (Ezhuvas-Chittur) : I second it.

Mr. V. K. Bhaskara Menon (Cranganur) : Sir, On behalf of the Nationlist Party of the Council I have got to express certain views of the Party in this House as regards the motion now tabled by the Hon'ble Minister. According to us the Minister is not only Mr. T. K. Nayar but also a member of the Unionist Party and we cannot for a moment think that Mr. T. K. Nayar exists apart from his party and if my position is correct, sir, my submission to this House is it will be absolutely improper on the part of the Nationlists here who constitute the opposition and who do not see eye to eye with the Unionist Party to take part in a vote of Confidence moved by the Minister. I must make my position clear that it is not a case where we have not got the greatest respect and regard for Mr. T. K. Nayar but I must dilute that respect and that regard by saying that it is the regard which we have got for him as Mr. T. K. Nayar and not as a member of the Unionist Party. Under these circumstances, Sir, the only position that we can take as members of the opposition will be not to take part in the vote of confidence because as at present advised we have not come across any action on the part of the Hon'ble Minister which requires a vote of no-confidence to be brought against him or requires us to vote against him when he moves a vote of confidence.

Sir, as regards the other members apart from the members of the Unionist Party I have got an appeal to make to them. I appeal to them not to take part in this motion because of this one fact that it looks exceedingly curious to see persons who have severed their connection with the Unionist Party of which Mr. T. K. Nayar happens to be a member to take part in the vote of confidence tabled by the Hon'ble Minister, because the Hon'ble Minister being a member of that Party will have to be guided by the decision of the party. Otherwise he ceases to be a member of the party or becomes a traitor to the party. When such decisions are passed behind their backs and in the closed conclaves, the party meetings, it will be absolutely improper or unwise on the part of any member not belonging to that party to support a vote of confidence. Again I submit it is not that I am asking them to vote against the motion. The only position that they can take, reasonably take, self-respecting members and as logical members of this House will be to remain absolutely neutral.

One more appeal I will make to the Government and that is I would like the Government to take into account the voting strength. I am not adopting that argument adopted a couple of days back that the voting strength cannot guide the government in the matter of decisions.

Mr. K. M. Ibrahim (Cranganur): It is a matter of opinion.

Mr. V. K. Bhaskara Menon (Cranganur): My submission to the government is that in the matter of this motion if the votes are in favour of the motion I would request the government to take it that the Hon'ble Minister has got the confidence of the House because the Hon'ble Minister has carried the motion.

Mr. A. V. Moothedan (Chalakkudi): Sir, I neither support or oppose the motion. I wish to make a small statement regarding this motion. My humble submission to the House is that this motion is not necessary. It is against the well-known Parliamentary procedure and against the convention of the Mother of Parliaments. I was searching the whole of the Government of Cochin Act and the Rules and the Standing Orders to find whether there was any provision. There is already a provision for moving a no-confidence motion. Twenty members must stand up in their seats and say that we have no confidence in the Minister. When Diwan Sir Shanmukham Chetty was presiding over this House, there was an occasion in 1114 Budget Session when I moved a cut motion against Dr. A. R. Menon. Then Sir Shanmukham Chetty gave a ruling and according to that ruling there are three ways of moving a confidence or no-confidence motion. The first is the regular no-confidence motion, as prescribed by the Government of Cochin Act Secondly an opposition member may bring in a motion, not expressly a no confidence motion, but some motion attacking the Minister and then the Hon'ble Minister may stand up and say that "I take it as a no-confidence motion". Then there is a method to find out the confidence of the House and that is the Hon'ble Minister may himself bring a motion and then state before the House "I will take this motion as a motion of confidence". These are the three methods how to test whether the Minister has got confidence of the House. I am giving these reasons only to show that this motion is not necessary. I do not criticise the action of the President at all. The motion will be very useful for future guidance also. It was on the 22nd July 1939 that the ruling was given by Sir Shanmukham who has got great Parliamentary experience in England (*Laughter*) and who has got experience in Indian Assemblies also. Parliamentary experience gained from watching from the gallery also. This is what he says.—

"This is the first time in the history of the Cochin Legislative Council that you are really tackling a no-confidence motion. These kinds of token cuts against any department in previous years had really no effect. It is better, I think, that this House really understands what the Parliamentary position is in such matters. A number of members of the Cochin State Congress party observed, it will certainly be open for any member of this House to table a motion in any form just for the purpose of discussing the policy of the Minister without intending it to be a no-confidence motion. But at the same time it will always be open for the Minister to get up and say "I will treat this as a no-confidence motion". You cannot deny that liberty to the Minister. The whole question consists of voting and not discussion."

What I submit to the House is that there is no reason or necessity for this motion. Till last Thursday evening the House had full confidence in the Minister. In spite of the resignation of 12 or 15 members from his party the Panchayat Bill was introduced by the Hon'ble Minister and it was passed even without a division. Then how the confidence is lost? From Thursday till this morning nothing has happened to shake the confidence in the Minister. Then what is the necessity for this motion? I do not understand. I shall just give an illustration also. In the British Parliament one of the great living men Mr. Churchill—I am reading from Hansard. In 1940 as soon as Chamberlain resigned Churchill became the Premier of England and he wanted to send some members of Parliament as Ambassadors in Spain, South Africa and Canada. According to the Parliamentary Act, a member of Parliament if he leaves the State for some time, he loses the membership of Parliament. Therefore, he wanted to amend the law and it happened in this way. Mr. Churchill wanted to send Mr. Macdonald the son of the late Prime Minister Ramsay Macdonald to Canada. Then he said, "I will be willing to go, but I want to retain the membership of Parliament also". Therefore, he wanted to amend the law and so he brought a Bill in 1940. Then he said when he brought the Bill "I will take it as a motion of confidence." That is the Parliamentary procedure. For a simple confidence motion, there is no provision. The Minister may introduce a motion and then say "it is a motion of confidence". That is the proper procedure. Here, it is a simple motion that the House has confidence. You could have moved a motion, as Mr. Churchill did, and said "I will take

this motion as a motion of confidence. Then I would have had no complaint." The Bill that was introduced in the Parliament was called "The House of Commons Disqualification (Temporary) Removal Bill." When that Bill was introduced he said "I will treat this motion as a motion of confidence." Then Mr. Bevan said.—"To make such a matter as this a vote of confidence was, in my judgment, an error that ought not to have occurred in one with so long a Parliamentary experience." To that, the Prime Minister said.—"I must ask the House to give His Majesty's Government the minor facilities and conveniences—for that is all they are—which are afforded to us in this Bill". I must take it a question of confidence, because it touches definitely our war effort, etc." Therefore, that is the proper procedure in which the motion ought to have been introduced in a matter like this. Therefore, for this reason, I remain neutral. I do not want to vote either way.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): Mr. President, I take this day to be a day which may be characterised as a red-letter day in the annals of the life of this Council. I am glad that the Hon'ble Minister has cut out a path unprecedented thus far. I am glad also that the Hon'ble Member for Cranganur has enunciated a proposition which is correctness personified. I am glad again that my Hon'ble friend from Cranganur has made an appeal to these Hon'ble Members of this House whose departure from the Unionist Party (the ministerialists) succinctly and clearly referred to by the Hon'ble Minister in moving the motion. I may assure the Hon'ble Minister, Sir, that the solid support of those of us who have had the misfortune to leave, who had the misfortune to leave the Hon'ble Minister's party, in his words as an accident, I assure him of the solid support of those persons sitting here who after mature deliberation had left his party. I may also assure my Hon'ble friend for Cranganur in reply to his appeal that he legitimately, correctly and properly made to us, what our position constitutionally ought to be. It is not a surprise, Sir, that my Hon'ble friend from Cranganur sprung upon us, just getting up from his seat and forcing us to take a decision at the spur of the movement though we may rise to the occasion and do take that decision, even if it is sprung as a surprise. But he had the goodness and the consideration to us to put the proposition in all its aspects and make the appeal even earlier. We had a talk how we will not be, in the peculiar circumstances in which we are placed to-day, able to respond to his wishes, however laudable the suggestion be, however anxious we be to respond to his wishes that being strictly the constitutional position for unfortunate members like us to take. Therefore, my appeal, again, in reply to his appeal is, let not my Hon'ble friend from Cranganur who always thinks alike with us on all reasonable things misunderstand our position when we get up in our seats to support the motion so peculiarly, and to use the Minister's own words, "humbly made." But I am not prepared to endorse the words "humbly". I would say, Sir, so boldly made by the Hon'ble Minister. Let not my Hon'ble friend from Cranganur misunderstand us this appeal that I have made to him. I do not wish to add anything more except this, namely, a repetition of the appeal that the Hon'ble friend from Cranganur was again pleased to make to the Government benches to accept the appeal of the Hon'ble Minister not to take part in the decision as also a general appeal to the powers-that-be wherever they exist, let not their position be, to think in terms of, Sir, a statement made here the other day by a very responsible hon'ble member "I hope Government will not be guided by the number of votes, more number of votes." I do not wish to add anything more. I have done.

Mr. T. K. Nayar (Minister for Rural Development): I have only to make a reply to one point raised by my Hon'ble friend for Chalakkudi. I do not know much of law. I am not a lawyer, nor do I pretend to be a Parliamentarian. According to the Hon'ble Member from Chalakkudi, this motion ought to have been made when I moved the Panchayat Bill or some other useful motions. According to me—I may be wrong because I told the House that I am not a Parliamentarian—but all the same the Panchayat Bill is a very useful measure. The Minister is moving a very useful measure. Whether the Minister has got the confidence at that particular movement or not, that should not weigh with the members of the House when they take a decision on that useful measure.

Mr. A. V. Moothedan (Chalakkudi): It does not make any difference.

Mr. T. K. Nayar (Minister for Rural Development): According to me generally as far as I was able to gather, these confidence motions on certain important issues are thrown out to the House as a challenge because the Ministry cannot continue without the measure being carried or allowed by the House. Sir, it is thrown out as a challenge. That is not the position here. It is not thrown out as a challenge. I do not want to carry the Panchayat Bill as a challenge. I do not want to carry the Public Health Bill by throwing out a challenge in this House.

Mr. A. V. Moothedan (Chalakkudi) : One supplementary grant would have done it.

Mr. T. K. Nayar (Minister for Rural Development) : I do concede that there is a way of moving these confidence motions as suggested by the Hon'ble Member for Chalakkudi. I do agree. But it does not stop there according to me. It is not exhaustive. Perhaps such a motion might not have been moved in any other Legislatures, I do not know. Anyway, according to my Hon'ble friend this is a novel procedure. But according to me this is the correct procedure, because instead of precipitating the issue I give the Hon'ble House an opportunity to discuss threadbare and decide on this all-important issue, whether your Minister should continue in office or not. I do not think I am wrong. Any way, the President has given his ruling and the motion is in order. I request the Hon'ble House once again to support the motion.

Motion put and carried, no member voting against the motion

Mr. V. K. Bhaskara Menon (Cranganur) : In the peculiar circumstances of the case, because many of us are neutral here, I demand a poll.

Mr. President : I think you are too late. I hesitated. When I said "the motion is carried", you should at once have got up and demanded a division. Actually, there was not a voice against the motion. As such there is no justification whatever for a division.

Mr. V. K. Bhaskara Menon (Cranganur) : Many of us are neutral and did not take part in the voting at all. I think it is only fairness to us to request you, Sir, that the voting strength may be demonstrated. Otherwise, it might appear that we too were for the motion. It is not the case that we are against the motion, but we are not for the motion. I only appeal to you, Sir, to take a division.

Mr. President : It would be, I think, an abuse in the practice of the divisions to take a division simply in order to find out how many members of the House did not vote either way.

Mr. V. K. Bhaskara Menon (Cranganur) : May I say one word more. What I am suggesting is, I won't be a party for a moment that there should be any abuse in the practice of this House. I have already made the position of our party clear that we are remaining neutral. In view of that, I entreat you, Sir, to see that you order a division so that it may be made clear that we are not supporting the motion. It is only to clarify the position. If you think that it is an abuse of your powers and our powers, I cannot say anything.

Mr. President : The object of the division is to ascertain whether a motion is carried or lost. In this case, no voice was raised against the motion. The motion is therefore carried. Therefore, there is no object in taking a division and I am not going to order any division.

Mr. V. K. Bhaskara Menon (Cranganur) : I am not questioning the ruling at all. I am trying to follow your advice, Sir. The object of the motion is to see whether the motion has been carried, and I respectfully submit that the object of the motion also is to see how the motion has been carried by how many votes of all the sitting members here. I think I am right in saying that if there are 50 members here and if a motion is carried, the object of the motion is not only to ascertain whether the motion has been carried but also to see that out of the sitting members how many have voted and how many have not voted. It is only extending the object of the motion, it is only clarifying the object of the motion. It is not a contentious spirit that I ask a division. Nor do I want to see our names in the proceedings. It is only in this way that I submit because our position will be peculiar. First of all it does not in any way pervert the object. Secondly it clarifies the issue as it appears to us. It is only in that way. The purpose of the division will be made clear if that too is done. Now, there are about 45 members. There has been a unanimous shout of "aye", quite right. But then a division will be able to show that out of the 45 or 50 members how many of them voted for the motion, say 35 voted for the motion, and the others all refused to take part in it.

Mr. President : The size of the majority by which a motion is carried is immaterial from the point of view of the House. The only material question is whether a motion is carried, or whether it is not. The size of the majority is immaterial. In other words, the division is only taken when there is doubt as to whether a motion is lost or carried.

Mr. V. K. Bhaskara Menon (Cranganur) : I leave it to you.

Mr. President : In this case, there is no doubt, as I have already stated, there will be no division.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri) : May I make an appeal of two words more?

Mr. President : Is it to repeat the appeal that has already been made? If you want to make another appeal, you can do it.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): Thank you, Sir, for the indulgence. This, of course, is an unusual motion and the object of the motion will only be advanced, strengthened and fortified if the number that is with the Hon'ble Minister is registered and brought on the records of this House and the very constitutional position taken up by my Hon'ble friend for Cranganur is also noted along with whom in spirit we go, but for particular reasons we vote not with a reservation of heart but with full of our heart, but at the same time clarifying our position which is along with them constitutionally but with the Minister through thick and thin. That is the object of the appeal that we make. And the appeal from the other side is that the real position of the support of the Minister may be noted. But this motion being a peculiar motion in various ways, conventions there cannot be anything upon that, because this is new, I make the appeal to the Hon'ble Chair that you may be pleased to allow us to make this the first of conventions healthy to be grown in this House. That is the appeal.

Mr. President : I am afraid that I am not convinced. A neutral Member in a question of this sort does not mean to me to deserve such consideration as would be given to him by taking a division on the question.

The House was adjourned sine die at 12-40 p.m.

N. S. RADHAKRISHNA SARMA

Secretary to the Council